

MINUTES
CITY OF RIVERSIDE
CITY PLANNING COMMISSION



6:00 p.m. March 10, 2005
COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

MINUTES APPROVED AS SUBMITTED
AT THE MAY 19, 2005 MEETING

COMMISSIONERS PRESENT: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary

COMMISSIONERS ABSENT: Stephens

STAFF PRESENT: Gutierrez, Planning Director
Aaron, Principal Planner
Milosevic, Associate Planner
Brenes, Associate Planner
Smith, Deputy City Attorney
Andrade, Stenographer

THE FOLLOWING BUSINESS WAS CONDUCTED:

Chair Leonard called the meeting to order.

The Pledge of Allegiance was given to the Flag.

TABLE OF CONTENTS

K.	<u>PUBLIC HEARING - 6:00 pm</u>	<u>3</u>
21.	<u>PLANNING CASE P04-0178:</u> Planning Commission review of the General Plan 2025 Program and related Final Program Environmental Impact Report (SCH NO. 2004021108). The General Plan 2025 Program consists of the following components: 1) the City of Riverside General Plan 2025; 2) the comprehensive revision of the City of Riverside Zoning Code (Title 19 of the Municipal Code) and the rezoning of properties to reflect new zone names; 3) the comprehensive revision of the City of Riverside Subdivision Code (Title 18 of the Municipal Code); 4) the Citywide Design Guidelines; and 5) the Implementation Plan.	<u>3</u>
	R2 - Duplex Zone to R-1-7000-Single Family Residential Zone.	<u>3</u>
	M-1-Light Manufacturing & M-2-General Manufacturing Zones to BMP-Business Manufacturing Park & I-Industrial Zones.	<u>11</u>
L.	<u>ADJOURNMENT</u>	<u>19</u>

K. **PUBLIC HEARING - 6:00 pm**

21. **PLANNING CASE P04-0178:** Planning Commission review of the General Plan 2025 Program and related Final Program Environmental Impact Report (SCH NO. 2004021108). The General Plan 2025 Program consists of the following components: 1) the City of Riverside General Plan 2025; 2) the comprehensive revision of the City of Riverside Zoning Code (Title 19 of the Municipal Code) and the rezoning of properties to reflect new zone names; 3) the comprehensive revision of the City of Riverside Subdivision Code (Title 18 of the Municipal Code); 4) the Citywide Design Guidelines; and 5) the Implementation Plan.

Chair Leonard thanked the audience for attending the meeting. He explained the meeting process and the role of the Planning Commission. He went over the topics for the evening's meeting and introduced Ken Gutierrez, Planning Director.

- **R2 - Duplex Zone to R-1-7000-Single Family Residential Zone.**

Mr. Gutierrez thanked the Planning Commission members for their time and effort. The City is entering into the third year of the General Plan program which includes the Visioning process in 2002. It is estimated that Riverside's fair share of growth over the next 20-25 years will be approximately 80,000, a 25% increase. The City's challenge is to accommodate its share of growth while retaining the distinctive character of the City of Riverside. He gave a brief summary of the General Plan process and the various committees and citizen's input that lead to today's public hearing process.

He stated that the General Plan was last updated 10 years ago but that the Zoning Code hasn't been comprehensively updated since 1956. General Plans are required by the State to be updated every 10 years. There has been a lot of growth and activity in Riverside and it is time to review where Riverside wants to be. The Citizens Advisory Committee went through the Land Use Element of the General Plan and has recommended a series of changes to that Plan. Based on comments received through the Citizens Congress and other events, staff has looked and is now recommending a few other changes in addition to those of the Citizen's Advisory Committee. .

Mr. Gutierrez gave a presentation on the proposed deletion of the R-2 Duplex Zone. The recommendation is that the R-2 Zone be deleted and that all of those properties be rezoned to an appropriate Zone. Staff's recommendation is that these go to the R-1-7000 Zone. There are approximately 400 R-2 properties throughout the City of Riverside. If this recommendation is approved, those existing duplexes put into R-1-7000 would be non-conforming. The duplex would be allowed to continue to exist in its present state for as long as it is used as a duplex. If it burns down to over 50% it could not be rebuilt but if it burnt less than 50% it could be rebuilt and used as a duplex. The property must continued to be used for a break not less than, Zoning Code today says 180 days, Planning Commission is considering proposal that may lower this to 90 days. Tonight staff is presenting an alternate recommendation for the Planning Commission to consider based on the citizen's comments made at previous meetings. He noted that the Planning Commissioners were also seeing this alternate proposal for the first time tonight. Staff is still proposing the elimination of the R-2 Zone but allowing the duplexes currently in the R-2 Zone as of this date, to be permitted uses in the R-1-7000. Should a duplex be destroyed for any reason, it can be rebuilt. He stated that the problem of lenders not willing to loan on a non-conforming use would go away. He noted that no new duplexes would be allowed to be built as the R-2 Zone would no longer exist. He highlighted an area on Mt. Vernon off of Madison Street where the R-2 Zone is in the middle of R-3 Zoning where the vision for the area is recommended to be medium high density residential. Because those lots are 7,000 sqft lots, they are too small to build an apartment complex on and it is staff's recommendation that those lots remain R-1-7000. In the future, if the lots are consolidated with other lots to

make a larger, more meaningful, development then they could be rezoned to R-3 which would be consistent with the General Plan.

Chair Leonard inquired if the duplexes within the R-2 Zone would have to exist at the time of the adoption of the Zoning Code which is still a couple of months out. As indicated by Mr. Gutierrez, instead of being non-conforming uses they would be allowed uses as long as they exist up to that point.

Commissioner Densmore asked what the average citizen must do to avail themselves of these documents so that they can read them instead of relying on word of mouth or the Press Enterprise.

Mr. Gutierrez explained that tonight and last week issues were taken out of context because of the great concern about them. The General Plan and Zoning Code are available on the City's website at www.riversideca.gov. Staff also has CD's at the back of the room and everyone is welcome to take home a CD. Staff is also available to answer questions. He noted that if someone wanted a copy of the document, it could be printed out but that it was extremely expensive, because of this staff was making the CD version available at no charge to the public.

Commissioner Norton said that she also wanted to make sure the public knew how to obtain these books. She asked if a duplex in the R-1-7000 became an existing legal use by matter of right. She noted that this would take away any concerns of borrowing money or refinancing because the only thing that would affect the value would be the fair market value of the unit and the location.

Mr. Gutierrez affirmed that the duplex would be a permitted use under staff's alternate. He added that it would be no different than today where the duplex is a permitted use in the R-2 Zone. He reiterated that the duplex would be in the R-1-7000 and would be a permitted use.

Commissioner Agnew asked if a duplex established illegally in the R-2 Zone would also become an existing use when the Zoning Code is adopted.

Mr. Gutierrez replied that it would not, the duplex must be a legally existing use.

Commissioner Kurani asked for clarification with regard to the land use which would stay with the land even if the property owners changed.

Mr. Gutierrez stated that land use ran with the land not the owners.

Chair Leonard inquired about the verification process and how someone would prove the duplex existed before the adoption date or the Ordinance.

Mr. Gutierrez explained that there are maps which show the R-2 properties, as well as land use surveys that can determine if a duplex was there. Building permits can also verify that permits were issued on a property. He stated that the Planning Department routinely writes zoning letters to lenders and insurance companies to verify that the use is a permitted use in that zone.

Chair Leonard opened the public hearing for public testimony for the R-2 issue only. He invited the citizens to step forward and provide their comments.

Yolanda Garland, resident of La Sierra, spoke in opposition to the changes. She felt that Riverside was undergoing a form of terrorism which was perpetuated by those in whom the residents have entrusted the business of Riverside. She felt Riverside was trying to emulate other cities who are either on the verge of

bankruptcy or that have gone bankrupt. She stated that small businesses were the backbone of this City and should not be displaced for industrial parks or office complexes. She stated that backyard rentals were being encouraged while at the same time eliminating duplexes. Those living in rural zones chose that lifestyle, a lifestyle that is now being changed to higher density housing. She also commented on animal keeping and RV's.

Sam Gregory, 4432 Strong St., said he obtained a copy of the document and personally preferred the alternative presented by staff today. He asked for clarification with regard to a catastrophic event and the 90 day time limit and what it pertained to, initiating the process or completing the process. He noted that going through ones insurance company can take more than 90 days. He noted that if someone was not able to get through the process in 90 days they would lose half their property. He felt this was illegal and unprofessional of the City to have this type of time frame. He also inquired whether there was a statute that says a rental must be rented.

Chair Leonard stated that Mr. Gregory's time had expired. Mr. Gregory raised a point that has come up in the past. The Planning Commission needs to deal with this and will not ignore it. He wanted to respond that under the alternate proposal before the Commission tonight, a duplex is an allowable use and there would be no non-conforming time frame should a catastrophic event occur.

Mr. Gregory stated that he would prefer the alternative proposal. He asked if there was a statute that required a rental to be rented.

Commissioner Norton stated that she would caution them with respect to the rental question in that this could get them into tax laws and she was not sure that the City could clarify this without doing research. There are income tax issues that kick which may require more than a quick answer today.

Jane Guluck stated she had several duplexes and distributed pictures of them to the Commission. The duplexes are located west of Harrison, between Magnolia and 91 freeway and east of the Galleria. She felt they improved the community and was devastated to hear of the proposition to reduce them to R-1. She stated she was happy to hear the alternative tonight. She asked when they would know what the Commission's recommendation will be with regard to this issue.

Chair Leonard stated that at the conclusion of this topic, Mr. Gutierrez would provide a summary followed by a brief discussion among Commission briefly as to when this issue will be acted upon. He noted that whatever action the Commission takes will be a recommendation to the City Council.

Ms. Guluck asked if the property burnt down completely would she be able to put another duplex on her property under the alternate proposal.

Chair Leonard replied affirmatively.

Dirk Van Voorhis, 8631 Sands Avenue, representing JAN Associates owners of a duplex at 4184, 4186 McArthur Road, he thanked the Planning Commission for their hard work. He also appeared tonight to present his studied and serious objections to the proposed change. He understands that they have backed off on the non-conforming rights and did not have anything further to say on that. He accepted the idea that the status quo would be maintained for the R-2 properties. He also distributed pictures of the properties to the Commission.

Chair Leonard asked if Mr. Van Voorhis was in support of staff's alternate.

Mr. Van Voorhis stated as he understood it, he was in support.

Hope Allen, 6822 River Street, addressed the Commission. She stated that she has not lived in or owned a duplex. She was glad to hear that staff has proposed an alternative. It makes the residents feel that someone is really listening to them. Her statement was that she is glad to hear this because she felt that duplexes had a niche with regard to affordable housing. She liked the alternate proposal because she liked to know that these options are available for those who need duplexes.

John Jacob stated he attended the last couple of meetings and knows that there are a lot of unhappy people. He would like to take a moment to explain why he is angry with the methods of the proposed General Plan. He used as an example, his experience with the City in the widening of Tyler Street in which he felt he has been deceived and lied to. He stated he had no trust in the Planning Department.

Karen Wright stated that she did not own a duplex but as a citizen of Riverside she felt she had a right to comment on what happened. She felt residents have a right to have a duplex and have those as an option. She did not see a reason to change the R-2 Zone. It was her opinion that the City was sneaky in its dealings with the citizens. She stated that she recently received a congratulatory letter welcoming them to the Palm Heights Historic District. It was not mentioned that if they become Palm Heights they would be under the thumb of the City for any changes. She stated that if there would be no change to leave it as R-2 so that people know there has been no change. She stated that the grandfather clause is a taking of peoples' property rights. It is abhorrent that the City would think of such a thing for citizens of its City. She did not feel these and other changes presented at the previous meetings were in the best interest of the City.

Chair Leonard announced that Ms. Wright's time had expired.

Ms. Wright commented that the time limit was too short and did not let the resident's express their opinions. He asked how the Commission will know what is going on. She commented that the website the citizens are being referred to is huge and difficult to find any information on.

David Lusk, 5931 Sinclair Avenue, asked staff to show the notice regarding the issues being discussed tonight and the document which the public is being provided the opportunity to peruse. He stated that the notice compared to the binder the Commission has shows there is a lot more that is not being shared with the public. He stated that if he was not mistaken, the Planning Department put together the book.

Chair Leonard replied that a consultant was hired to prepare the document under the auspices and review of the Planning Department. He stated that the lady who wrote it was born and raised in Riverside.

Mr. Lusk inquired who the consultant was and the individuals names. He stated that the Committee was put together hand picked by the City Council to put through their agenda. He did not believe the Council cared about what the people wanted. He asked that the Commission to listen to the citizens that were speaking.

Delbert Schroeder stated he was against the Zone change. He canvassed the area and obtained signatures on a petition which he provided to staff. He would like to see the City notify some of the people in the areas nicely as to what can be done to clean up the area, paint the property, etc. He is in favor of not having to rent, let it sit vacant or do with their property what they want to.

Commissioner Norton noted that since there is now an alternative proposal, it would help her when citizen's say they are against the zoning recommendation to indicate which proposal the original or alternate proposed today.

Mr. Schroeder stated that he would like to keep the property R-2, that way there are no question about what it is. His neighbor converted his home to R-1 and it is worth approximately \$80,000 less than his when he tries to borrow money on it.

Linda Wolfe, 6410 Capistrano Way, stated that she and her husband own properties in Riverside. One is a duplex on Madison. She noted she did not know why the area was being signaled out. Duplexes are important because of the economy and many people do not want to live in an apartment. The residents are the City's customers and to find out what the customer wants and give it to them. The City will find that most customers don't want things that are free, they want to be heard and treated with respect.

Steven Hillmer said he owned commercial property at 3714 Sunnyside Drive. He noted that after each of the two previous hearings he heard a lot of people ask among themselves if they were even listening to and whether their mind was made up. He wanted to compliment everyone, the proposal for the R-2 alternative shows that they are listening. He asked when the appropriate time would be to make his comments with regard to the grandfathering clause as it related to any property.

Mr. Gutierrez indicated that if there were any specific questions staff would be happy to answer them.

Mr. Hillmer indicated it was basically a comment and did not directly relate to any given zone.

Chair Leonard stated that he should proceed with his comments.

Mr. Hillmer expressed his concern that the proposed General Plan would lead to two unintended consequences. These consequences will have undesirable results that were not originally recognized. Under the proposed Zoning law, non-conforming rights would be lost with vacancies, without regard to economic conditions; time taken to remodel or renovate properties or to seek appropriate tenants. The loss of non-conforming rights will lead to blight and economic apartheid. Property owners may feel threatened by the loss of non-conforming rights and may perform minimum or no maintenance. Blight, in that buildings sit vacant after the loss of non-conforming rights. Economic apartheid will be the result of property owners who may not have the resources to convert their properties to conforming uses. Property owners would be forced to sell to developers at distressed prices and move to other cities. Only the big developers will be able to afford to consolidate and develop the permitted uses. He believed that the 90-180 day vacancy rule to end non-conforming rights will not work unless the City wants to see increased blight and economic apartheid.

Jennifer Snyder, 3950-3952 Everest Street, stated that the alternate plan sounded better to her. The alternate plan at least gives them some leeway. She asked what if the property were sold would it retain the grandfathered rights.

Chair Leonard clarified that the property would not be grandfathered because it would be a permitted use under the alternate. The land use does not follow the ownership, it follows the land.

Ms. Snyder stated that she noticed today and at previous meetings that it would be cheaper for the City to explain a lot of things to the residents. Staff could have rented a space in the Press Enterprise and explained the alternate plan so that the residents would have had time to review this. She said she was in favor of the alternate plan because listening to the Commission she understands that R-2 will not stay.

Perry Chastain, 4105 Harrison Street, addressed the Commission. He stated that there on seven duplexes on this street of which, at least 4 of the 7 are owner occupied. Many of the duplexes in the City are owner occupied and he did not believe this was taken into account by the authors of these zoning changes. Many owners purchased

these duplexes to assist them with the cost of living and toward future retirement. The property owners have a vested interest, unlike occupants of large apartment complexes, to keep their properties law abiding. He urged the Commission to reject the proposals for the following reasons: One of reasons given for this zoning change is that the police stated that there are more calls on R-2's than R-1 which is not a good enough reason. He can unequivocally state that there is more crime in apartment complexes than in R-2 but no one is suggesting convert them to R-1. The area he lives in has been designated a high density growth area in the masterplan. Removing R-2 in the high density and replacing them with R-1 would be in direct opposition to the master plan. The City needs affordable housing for its workers and to eliminate R-2 as a component doesn't make common sense. This proposal is discriminatory and elitist in origin. He urged the Commission to reject the proposal to eliminate the R-2s and change in the non-conforming rights. He asked that they remember they are dealing with real people's lives, not just statistics in some Cal-State post graduate study.

Margaret O'Brien, 3981 McKenzie, spoke in opposition of eliminating the R-2 Zone. She has undeveloped property. She felt it was ridiculous to change it when there are only 400 R-2 Zoned properties anyway. She is a probation officer and knows how many crimes happen in apartment complexes and how little police patrol her area. She thinks that what is happening in this City is a trend toward apartments and single family dwellings only. She felt the planning staff and Commission may be nice people but they are living in a fantasy land. The City needs affordable housing and this decision will affect her property values just like the gentleman who mentioned that his neighbor converted his property and lowered its value.

Robert Young stated he spoke last week regarding non-conforming rights. Today he would like to voice opposition to the R-2 Zone deletion and also to the alternative. His feeling is that there is a need for R-2, they are affordable housing. He asked why, if doing away with R-2, the properties were not rezoned to R-3. He recalled Chair Leonard also suggested the same thing at the last meeting. This was one of the reasons he looked up a two mile radius from his property, to see what was in proximity to his units. He proposed to either keep the R-2 Zone or rezone the properties R-3.

Don Spires, 3942 Castleman, addressed the Commission. He stated that currently there is a two bedroom guest house, 1,200 sqft, in the back of his property. He lives in the house at the back and rents the house in front. He has 150' behind his house that his dogs are very happy to have. He would like to tear down the guest house and build a larger house in the back when he retires. If this is changed to R-1, he would not be able to do that. He also asked that if the City eliminates the R-2 Zone, that it be rezoned to R-3.

Sheila Panzoni, owns duplex on Everest Street, she spoke in opposition to the planned zoning change. She stated that at a time of historical increases in property valuations and rents in the City and County Riverside, she found it disconcerting that the City of Riverside would seek to eliminate a badly needed source of moderate income housing for many of its citizens. There are many residents who are seniors, living on fixed incomes and cannot afford higher priced accommodations. She noted that many of the R-1 properties are not maintained to any better standard than that of the R-2 Zoned properties. She noted they could sell now for a tidy profit but would like to maintain their property for future retirement income. If an R-1 designation is given to their property and they choose to sell it, she believes the zone change will decrease its current value and potential to a future buyer. Also, if their property is lost in a fire with more than a 50% loss, they stand to lose many years of future rents. If the City of Riverside is indeed serious about improving this area they need to offer assistance or incentives by way of grants to property owners who have kept their rents low so that modest income and fixed income individuals can continue to have a decent place to live.

Chair Leonard stated that Ms. Panzoni's time had expired and asked if she is opposed to the original proposal and making it allowable under the R-1 zone.

Ms. Panzoni responded that she was in favor of any alternative keeping the R-2 designation. She asked if the Commission realized the zone change from R-2 to R-1 was in conflict with the stated goal 2.0 of Riverside's General Plan Element. Rezoning would effectively limit adequate diversity, affordability and housing types.

Larry Wolfe, 3735 and 3737 Madison, inquired why these 30 units, corner of Potomac and Madison, were being signaled out from the other 400 properties and making them different. These properties are right at the corner of Madison which would be ideal for commercial zoning. If the properties are to be rezoned, it should be commercial.

Chair Leonard noted that this was the second time this has come up. In staff's presentation it was mentioned that they have looked at development patterns surrounding R-2 properties. Where they have seen patterns predominantly single family, R-1 type of housing, they are recommending the R-1 Zone. Where they see patterns that are not that clear, where there is a mix of multiple family or high density projects, that is where they are recommending the R-3. It is just a matter of how they are looking at the patterns surrounding these properties.

Commissioner Densmore commented that there have been several questions asked today, he would like to see the questions answered or have the Planning Director identify the staff available tonight to answer the questions.

Mr. Gutierrez announced that there was a table out in the breeze way, there is staff there that would be happy to answer any questions. He identified the staff by the podium who could answer questions as well.

Terry Frizzel, former Mayor and City Council, a resident of the area for 40 years and a real estate agent with a license for over 30 years, addressed the Commission. She sold real estate all over Riverside and especially in that particular area. She pointed out that it takes all types of people to make a community. She asked why the City was doing this. She wanted to know whose idea it was propose these changes.

Chair Leonard replied that this was a proposal coming before the Commission. The Commission is taking testimony to evaluate whether it is a reasonable proposal or not. It is a proposal that has been made and the Commission must deal with.

Ms. Frizzel stated that the City needed more duplexes. The duplexes serve a special need in the community. She did not feel these proposals were good planning. This is just the Planning Commission, when it gets to the City Council she has seen what happens. They see when the Council doesn't pay attention to what the community wants. This can be observed in the many times they have had to file lawsuits. She bet that many people present today would join them in their lawsuit if the Planning Commission continues.

Ron Rose, 9468 Magnolia, he has been in the real estate business with Ms. Frizzel for awhile. He understood economics are not necessarily what the Planning Department does research on. He stated that once a property is given non-conforming rights any lender base their appraisal on R-1 Zone. He felt it would be a better idea to include the R-2 properties in the R-3 Zone.

Chair Leonard again clarified that under the original proposal that what Mr. Rose described would exactly be the case. The R-2 units within the R-1 Zone would be non-conforming. Under the alternate proposal, staff declared tonight that they would be permitted uses and never fall into non-conforming status so that would run with the land.

Gary Holmes, owns property 2625 Orange Street, addressed the Commission. One proposal he heard tonight that he would be in favor of is to rezone the R-2 properties to R-3 instead of down zoning them. He stated he

did not hear staff's presentation but wanted to state he was not in favor of changing R-2 to R-1-7000. He stated that his property did not make sense as a single family residence and was more suitable for apartments or duplex. There is a need for affordable housing in Riverside and it did not make sense to reduce affordable housing.

John Jacob commented that he read in the proposed General Plan that it would a lot would have to be 1 acre in size to have multiple family housing. He asked if this was still the proposal and if so, the R-2 properties could not be upgraded to R-3 because they would not have the lot size necessary.

Mr. Gutierrez explained that the proposed Zoning Code does propose a minimum 1 acre lot size for R-3 Zone.

Chair Leonard reminded the audience that the Commission will be deliberating this and making modifications to the staff recommendations as this proceeds.

Dave Reichelsdorf stated he owned two units 3512 & 14 Harrison and 3463 & 65 Harrison. He expressed his concern regarding the non-conforming rights time limit changing from 180 days to 90 days. He doesn't rent to just anyone. Recently it took him approximately 120 days to find someone. Since he has purchased his units he feels he has invested in the area and upgraded the area. To take the properties and rezone them R-1 is contradictory to the General Plan objectives. He asked the Commission to drive the area and look at how it has improved. It should not make a difference if the duplex is vacant for 30-60 days or a year if they are being maintained.

Agusto Lopez, 9829 Diana Avenue, stated he was against any rezoning especially R-2 to R-1 as well as the limited grandfather clause. He believes the City is gradually stripping the City of its property rights. He believes the owners of the property should consent to any rezoning.

The Commission took a five minute break.

The Commission returned and Chair Leonard announced how the process would continue on the R-2 Zone. The alternative presented today by staff was something that was developed and released yesterday. The Planning Commission would like to know more about that and see a detailed written proposal. A copy of this written proposal will be available on the Planning Department's website as of March 30, 2005. They would also want to consider the request expressed by a number of residents to retain the R-2 Zone. He stated that the Planning Commission will return on April 7, 2005 to deliberate and act on this aspect as it relates to retaining the R-2 Zone, approving staff's recommendation or alternative and /or tweaking one or more of those proposals. He thanked those attending the meeting regarding the R-2 Zone. He announced that they would now proceed with the discussions on the Manufacturing Zones.

- **M-1-Light Manufacturing & M-2-General Manufacturing Zones to BMP-Business Manufacturing Park & I-Industrial Zones.**

Mr. Gutierrez reported that currently the City has three manufacturing zones, MP - Manufacturing Park, M-1 Light Manufacturing, and M-2 General Manufacturing Zone. It is staff's recommendation that these three zones be condensed into two zones. The names would change to BMP- Business Manufacturing Park Zone similar to the Manufacturing Park Zone and an I - Industrial Zone. The intent of this condensation is to eliminate those heaviest and disruptive land uses that are currently permitted in the M-2 Zone. Staff has recommended a number of changes and most of the properties would be placed in a Zone consistent with the current General Plan. The difference between Zoning and General Plan designation is that the General Plan designation is the long term vision for how the property would develop over the next 20-25 years. The Zoning designation are the standards for how property is developed and the uses permitted today. Based upon some of the phone calls received and testimony provided at the last two hearings, staff recognizes that there are a number of automotive repair facilities currently allowed in the Industrial Zones. These would either not be allowed under the new proposal or only subject to a Conditional Use Permit. Staff is proposing that the Planning Commission direct staff to prepare Performance and Development standards that would permit indoor auto repair, vehicle repair facilities as a matter of right in both the BMP and I Zones. He noted that any Zone currently covered by a Specific Plan such as, Hunter Business Park and Sycamore Canyon Business Park, would not be affected by this change because a Specific Plan has its own set of standards that would supercede those in the Zoning Code.

Chair Leonard noted that the Zoning Code that has been drafted identifies major and minor vehicle repair facilities. He asked staff to clarify what falls into each of those categories. He interpreted the Code to read that the minor repair facilities are allowed in a number of three zones where the major repair is allowed in one.

Mr. Gutierrez explained that the minor vehicle repair facility are the lube and tune places, minor brake repair, tune-ups, etc.. The major facilities such as transmission shops, engine overhauls, and engine rebuilding. He agreed with Chair Leonard's interpretation.

Chair Leonard opened up the hearing for public testimony on the Manufacturing Zones.

Rob Ball, representing Heritage Foods facility at 11503 Pierce St, addressed the Commission. The notice they received says that the recommendation is to rezone their facility to the Public Facility Zone. They do not feel this is appropriate, they are a manufacturer of extended shelf life dairy products. He discussed this with Diane Jenkins, there was apparently an misunderstanding that their facility was part of the University that borders their property. He stated that they are independently owned. He suggested that this was an error on the part of staff and was present to request that they not be rezoned to the Public Facility Zone.

Mr. Gutierrez stated that staff would agree with this change.

Alonzo Menchaca, 4080 E. La Cadena Dr., expressed his concerns regarding the proposed Industrial designation for his property.

Mr. Gutierrez informed Mr. Menchaca that his property is currently in the County of Riverside. Staff is not proposing any zoning changes, it is not within the City's purview. What he is referring to is a General Plan issue, a long term vision. He reiterated that the property was not in the City of Riverside and the City does not have any control over that property.

Mr. Menchaca stated he was confused and did not know whether to oppose it or vote for it.

Mr. Gutierrez stated that staff would be happy to discuss this with Mr. Menchaca at another time because there are some subtleties with being in the County versus City. The City is required to plan for the area around the City which is the Sphere of Influence. Staff is doing this but it has no direct impact on County residents.

Ken Meyer, property owner at 2727 Kansas Avenue, spoke in opposition to the proposed changes. He had concerns regarding the proposed zoning changes. They purchased the property not only to house their business but also as a long term investment. It is his understanding that under the BMP Zone a warehouse would be restricted to 10,000' or less. Their building is designed for a single tenant and has a huge warehouse and relatively small office section. Because of the configuration, it would be impossible to subdivide this facility for multiple tenants. This would make it extremely difficult to sell the property. Another set of concerns is the train tracks that run along side the north side of the property. This is used on a regular basis by long freight trains. Traffic is often backed up 10-12 cars deep on Kansas, about 30 times a day. Traffic is stopped for half an hour to two hours everyday cumulatively. This would be aggravated if the zoning in the area were changed to accommodate businesses that attract more traffic. The Recycler Corp. Company uses 50 of the 280 available parking spots, carpools bring 26 employees in 9 cars to work every day. Maybe an overpass or underpass could be constructed to alleviate the anticipated traffic or inconveniences. The easy access to the freeways has been eliminated by the new interchange. He noted that all the businesses around his property are large manufacturing or warehouse operations. He felt that the General Manufacturing Zone is not appropriate for this area and he would prefer that it be zoned Industrial.

Chair Leonard ask Mr. Meyer what the current and proposed zoning for his property was.

Diane Jenkins, Senior Planner, clarified that this site involved two issues; General Plan change from IGN to O-Office and a Zone change from M-2 to the MP. She also noted that this is CAC site #28 along the freeway.

Jeff McGinn, President and Managing Partner of Standard Lime Products, LLC, located at 5877 Griffith Street, spoke before the Commission. His area is currently zoned M-1 and under the new proposal, the site would be zoned BMP. He noted that his neighbor across the street would still be M-1. They located in Riverside 10 years ago and chose this site partly because of the City's cooperation to get them to come to Riverside. They were offered numerous tax break incentives but did not take advantage of any of them. They built the plant with their own money and operate this way today. Most of their employees are members of this community and live in this neighborhood. They basically take product from rail cars and turn them into 50 lb. packages. The rail link in their area is vital to their business. He said it would be a mistake to take an area that is rail served and obviously suited for M-1 manufacturing and down zone it. This would be counterproductive to the City and their interest.

Chair Leonard asked Mr. McGinn to provide a letter to Planning staff explaining their situation.

Commissioner Norton said that when Mr. McGinn mentioned rail service, to her that does seem to elevate the type of use since obviously there can't be a lot of businesses that have rail service.

Mr. Gutierrez stated that rail service could be allowed in either the BMP or the Industrial Zones depending on the type of use. This particular area is out by the airport and is the area staff will be taking a look at to see if there is an alternate proposal they can come back with.

Brian Percy, general counsel for Mr. McGinn's company, pointed out that as Commissioner Norton indicated, this property is rail served. What it means is that there is a railroad spur that goes right along the boundary of this property along with several other properties in this general area. He pointed out that there are not many sites in the City of Riverside that are rail served. This means the businesses and properties have access to rail cars

and takes product directly off the rail car. These are generally not the areas where you will find a business park that is going to evolve into office. In reviewing the proposed map several other areas that are rail served will remain with an Industrial designation. He asked the Commission to consider all properties bordering the rail service Industrial, otherwise it will have a significant negative impact to the value of these properties and their use.

Tracy Stone, architect, representing the property owner at 1790 Milton Street. The property currently is zoned M-1 and has a land use designation of Industrial Business Park. The proposed zoning classification is BMP with a land use designation of Business office Park. It is their request that the Commission consider the Industrial Zone for this site instead. The site is a very unusual property and it is unlikely that the property would ever be developed as a Business Office Park use. It currently sits off Chicago separated from Chicago by the Utilities Substation and it is her belief that substation will not be moved at any time soon. It currently has a new manufacturing development to the south, the west side is bordered by a canal and the north side is the unimproved street, Milton. This particular property has absolutely no street presence whatsoever. Her client is in the process of developing plans for a use that is permitted under the M-1 Zone but would not be permitted under the BMP Zone. She stated that this would be a better use for the property than a Business Office Park.

Chair Leonard asked if Ms. Stone could submit a letter to that effect to staff.

Ms. Stone indicated that a letter was sent February 11, 2005, she was just reiterating the points made in the letter.

Ron Schoonard, 5942 Acorn, RIS Electric, spoke in opposition to the proposals. They utilize substantial outdoor material and equipment storage at this site. He said he had many issues against these proposed changes and the way the City was going about implementing it. He stated that no one on his block received notification of the proposed changes. The Press Enterprise quoted a city planner, "the reason the citizens are being critical, they do not understand the proposed changes". There has been no detailed information to the property owners from the City regarding these rezonings and even the Press Enterprise which he enjoys reading has been noticeably quiet about the specific information. As he drives through neighboring business, he speculates that 75% of the existing businesses will be tagged non-conforming and grandfathered in. The proposed plan states these businesses are to be terminated as rapidly as possible. He stated that this was not planning, it was confiscation of business property owner's rights. Property values on M zones are calculated different than business office parks or similar zones restricting outside storage. The M Zones are rented and sold predicated on lot size and square footage as opposed to building square footage alone. He asked staff to do the math and check with the consultant, it will show how many properties owner's values will be diminished by at least 1/3. Further, he must question any study which would recommend rezoning land immediately adjacent to the City Sewer treatment plant and power generating facility to Business Office Park. This is one example of how flawed these recommended zonings are for the entire area. He asked why these property owners are being forced to fight the City of Riverside and elected representatives to eliminate these unnecessary changes.

Kimberly Sparkman, Sparkman's Garage, 5958 Jasmine, addressed the Commission. This is a major auto repair shop which specializes in automotive truck, diesel and equipment repair. She stated that she could never fit a F-8000 inside to work on it. This is a heavy duty truck, trailer and tractor repair. They also work on RV's and noted she could never fit a 30' motor home inside her shop to work on it. She believes the industrial zones in Riverside are quickly losing their quaint charm to oversized business parks that lie empty for months with signs outside that read for lease. The Commission needs to seriously rethink the plan for the M-1 Zone. She asked that the Commission keep this area for the small independent mom and pop industrial businesses. She contacted her bank with regard to obtaining a loan on a non-conforming use and was told that the bank would not issue a loan. The bank would first try to get the business to conform but auto shops will not be an allowed use in the

BMP Zone so that she could never conform. She asked the Commission to reconsider and submitted a petition from the Jurupa Airport Area.

Chair Leonard noted that there have been several speakers now from the Jurupa corridor area. He asked if this was the area staff would be evaluating.

Mr. Gutierrez replied affirmatively.

Mia Killingsworth stated that the General Plan did not go into much detail regarding Conditional Use Permits. She asked staff to expand on this a little. She noted that the General Plan stated that the City could revoke a property's non-conforming status out of public necessity. She asked what criteria must be met for public necessity. She also asked what by what authority the Planning Department was changing the Zoning Codes, making these existing businesses/residents conform to the new Plan.

Chair Leonard replied that it was State Law and noted that Ms. Killingsworth had raised a couple of issues that staff would answer at the conclusion of the public testimony.

Lynn Miller, 2665 and 2675 Third Street, spoke before the Commission. His property is currently zoned M-2 and the proposed change is BMP. He stated that both sides of the property have active railroad tracks on it. Because of its location, he felt the property was better suited for heavy manufacturing. He stated that if the manufacturing component was eliminated in the City of Riverside it would be a detriment to the City.

Dale Miller, 6100 Industrial Avenue, structural steel welding shop, stated he would like to keep the M-1 Zone as it is without the large stack of rules. He understood it was being changed to Business Park to bring in business for the airport and increase traffic to the airport. He asked whether the residents down wind of the airport were informed that these pieces of property will have more airplanes flying over them.

Chair Leonard thanked Mr. Miller for his comments. He will ask staff to address his questions.

Murray Fischer, attorney on behalf of clients who own the property, AP 210-120-003 and 210-120-002 on Spruce Street. Recently, a portion of the property was taken by eminent domain through Cal-Trans to set up the new exchange for the freeway. The property is currently zoned M-2 to be zoned I- Industrial. He asked whether a vacancy on Industrial Zoned property was capable of triggering a loss of non-conforming status. As mentioned earlier, a portion of the property has been taken and will require a substantial remodeling of a portion of the property. He wanted to know to what degree, if they do remodel, do they have to fall within the new development standards of the General Plan they are dealing with tonight. It is their concern that they may be forced out of their non-conforming status due to possible remodeling.

Chair Leonard thanked Mr. Fischer for his comments and stated that staff may be able to cover those questions at the end of the discussion this evening.

Robin Renteria, Standard Loan Products Company in the Jurupa area, spoke. She noted that a lot of people would not have a job if the businesses were forced out of this area. She thought that part of the business planning in the City is to retain jobs and that this area should be retained as it is.

Rosalina Grisco, 5930 Jasmine Street, co-owner of the pet boarding kennel in the area. Since this was their retirement, she asked whether the people that purchased their business would be able to expand. They were concerned that no one would want to purchase the business if they cannot expand or make changes, especially

if the City will make it difficult for them to do so. She stated she was totally against the rezoning. The existing Zone is M-1 and the proposed zoning would be BMP.

Brad Pope, 3315 Van Buren Blvd., stated that they operate a feed manufacturing plant. They utilize the Burlington Northern railway spur. He pointed out that this was not a quiet piece of property that would be conducive to a Business Office Park. He asked the Commission to reconsider rezoning them but if M-1 cannot remain that they be zoned Industrial.

Don White, owner of 6417 Jurupa Avenue, addressed the Commission. He has a heavy automotive repair shop and automotive machine shop. He stated that most of the lots in this area are small and owner occupied. No one wants to sell because it is too hard to find Manufacturing and Industrial property all in one place. This makes the land and business very valuable. He had his property appraised in 2004 and had a letter from the appraiser to the bank explaining the high value of the small lot. Most of the property owners purchased the property thinking about their retirement. The City wants to change the Zone to BMP, there are business manufacturing parks all over the City sitting vacant. Their property values will drop in half and a lot of them will owe the bank more than their property is worth. He has spoken to most of the property owners in this area and they all want to leave it M-1, not BMP or I. He noted that BMP or I would put some of the businesses in a non-conforming status or needing Conditional Use Permits. This will cause property values to drop, loss of family retirements and some of the property owners may go bankrupt due to the cost involved trying to conform to the City's wishes. He asked that the Commission please think about the families and people this will affect.

Chris Christiansen, Christiansen Pipeline in the Jurupa area, spoke in opposition to the proposal. If this changes from M-1 to BMP, it is his understanding that a contractor yard will not be permitted. He has looked around since he received these notices and did not know where he could go if he had to pick up and leave. He stated he would like to remain at this site.

Harvoy Nadig, owns 5846 and 5852 Jasmine, agreed with the previous comments. He understood one of the main reasons the City was interested in the change is to beautify the area. He suggested that instead of changing the zoning that the City get together and do landscaping in the area.

Karen Wright stated she supported the businesses in those areas because they add to the mix of people and industries located in Riverside. The loss of jobs and retirements and changing of the zone would be a taking of their property. Riverside needs the diversity of these businesses. Who is the City to say that they should have all their automotive businesses indoors? She did not know why the City was dictating to its citizens what business they can be in.

Henry Bastiaans, owns property on Alamo Street, spoke in opposition. He stated they were in the County but were annexed into the City. At the time they were annexed, he was insured they would have M-1 zoning. He asked if the City could be held liable for this? He stated he would not have agreed to the annexation otherwise. He stated that he stores RV's.

Loren Randolph thanked the Planning Commission for hearing the citizens' concerns. He is co-owner of Recovery RV Interiors located on Industrial Avenue. As a Riverside native he does appreciate the efforts being made to improve and enhance Riverside, however, he was concerned about the proposed zone change from M-1 to BMP. In the Jurupa Avenue area, just north, there is a heavy concentration of types of businesses that are currently zoned M-1 that would not be allowed in the new BMP, per Planning Commission's table 19.150.1208. Those would include recycling centers, commercial laundry, wholesale lumber yard and building materials, contractors storage yards, animal boarding, major and minor vehicular repair. There are many of those types of businesses there and it doesn't seem right to have them change to a business park.

Martin Blumenthal, owns various industrial properties along Jurupa Avenue, expressed his concerns with regard to the General Plan. The State does require the City to review the Plan but it does not require the City in any way to change it or change any of its Elements. He has M-2 zoning which will be changed to I, why does it need to change and what is the purpose. Mr. Gutierrez said that the purpose for this particular change was simply because the City did not want oil refineries in Riverside. He stated he could not think of a single oil refinery in the City of Riverside. There are other uses that are not as clean as they would like but nevertheless there are needs for them. The whole concept of rezoning is based on property rights. He did not want to see the property rights taken or reduced in any way. There is no need, he can see, to change the zoning designations. He suggested that if the City does proceed with the amended situation, that they take a look and compare what the Planning Department would be doing in relation to this.

Terry Frizzel again asked why. She could remember, as Mayor and City Council member, they were eager to have Industrial land to encourage more businesses and create jobs. She stated that this proposal would take property rights away from small property owners and small businesses. These businesses are important and necessary to the City of Riverside.

Hope Allen stated she liked to patronize small businesses. She reminded everyone that the City's policy was "Shop Riverside". She asked if the documents could be made available at the library where they can sit down and read the information.

Wilfredo Garcia, owns 6652 Columbia St., stated he was opposed to the change, M-1 and M-2 to BMP. Mr. Gutierrez mentioned this evening that the Planning Department has gone out to solicit citizens' opinions. He has been in this area for 12-15 years and the only visit he has received from the City of Riverside was from Code Enforcement. As a private citizen he is embarrassed and angry that the City he has chosen to raise his family and the City he has called home is actually hurting his family, business and future retirement for the benefits of a few. If the City proceeds with this proposal, it will leave the residents with very few alternatives but to name a law firm.

Erica Tan, business owner at 12319 Dougherty St., inquired if the MP zoning allowed automotive paint.

Mr. Gutierrez replied that this was one of the changes that staff is recommending the Commission instruct staff to come back with new standards and language that would allow automotive uses such as paint and body.

Ms. Tan stated that she currently did not own the property, she is a tenant. There are 13-18 small business owners in the area. She distributed pictures of the area. They are located south of the 91 freeway, west of Buchanan and west of Sampson. They have a concern in that they are small business owners and their retirement is based upon being able to sell their business in the future. If this is approved, she will need to move her business to a different City/County.

Mr. Gutierrez explained that under today's Zoning Code, the property is M-1 and the automotive uses would be allowed. Under the proposed Zoning Code, it would not be allowed. Staff has made an alternative recommendation requesting the Commission's direction to come up with development standards under which automotive uses, including paint, would be a permitted use.

George Champion, Champion Lumber Company, 1595 and 1600 Columbia, addressed the Commission. He has been told that an overpass will be constructed on Columbia and a 23' wall at the railroad crossing on the northeast side part of his property going down to Chicago on the northwest corner approximately 10' high. He stated he would lose all access on Columbia Avenue to his property. This proposal will change the zoning from M-2 to BMP. His future plans are not to sell the property but if the property were rezoned, it would not be good

for his property values. He is proposing to construct a new 40,000' building at 1313 Chicago, the project has been through planning and approved. He asked if the proposal would affect his building. He also asked if he were to sell his business in the future, would he be affected.

Mr. Gutierrez stated that he has not seen those plans. He can say that because this property is part of the Hunter Business Park Specific Plan he would not be affected by this change. The Specific Plan will take precedent.

Sharon Dippy, business operator at 2936 E. La Cadena, addressed the Commission. This site is currently M-2 and is proposed to be zoned BMP. Her company is one of four in a row on La Cadena that are heavy auto repair. They have discussed this with the neighbors and they all agree that the proposal does not make sense. The properties are bordered by the railroad tracks on the south side and 91/215/60 interchange project on the other. The MP Zone does not make sense and if there is a change, it should be Industrial. They are strongly opposed to the BMP Zone because it could severely restrict and possibly eliminate established businesses.

Ronald Bauman, 1944 Spruce Street, commented that all he has heard in the last three meetings are people in opposition to the proposals. Riverside is a town where there is a lot of small businesses. He did not understand why they are here speaking on this. He asked why the City was doing this.

Bruce Ricker said he owns and operates the oldest granite marble business in Riverside on So. Commerce Street. He did not see any reason to change the Plan. His property will be rezoned from M-1 to I. This is a family owned business and he did not want to lose any property values. He asked that the Commission give some consideration to the small business owners here in Riverside.

Kimberly Sparkman asked if the citizens would have another opportunity to discuss auto repair shops and the new rules staff will be proposing. She referred to the beautification of the Jurupa area someone brought up earlier. She stated she received in a letter in February, 2004 to beautify their area. It said that the City of Riverside had taken money and set it aside to beautify the industrial area. It was supposed to have been completed by the spring or summer of 2004 but she has not heard anything else about it. This is a good idea and didn't know where the City money went that was for the area but it should be reconsidered.

Michael Frederick, 6100 Jurupa, owner of Driscoll Automotive, stated he was not in agreement with the rezoning. This will hurt his business and property values. He asked the Commission to reconsider the proposals.

Richard McPeak, owns a custom paint shop at La Cadena and Columbia, stated he did not know if the zoning change would affect him. If it does, he would prefer that it not. He has been there for over 30 years and has had enough sleepless nights.

Faye Sondell and her husband draw social security and have a small rental in the airport area. There are 47 businesses in that area plus many of their employees that, like them, would be adversely affected financially by this proposed zone change. She stated that she was here tonight to protest anything that will make their property less valuable.

Mr. Gutierrez thanked the citizens for coming down, staff has been taking notes. He responded to specific questions that had been asked during the testimony. He stated that with respect to the limit of warehousing to 10,000 sqft., it was a typographical error, it should be 100,000 sqft. He added that there is some discussion with the Planning Commission to take that to 200,000 sqft.

Conditional Use Permits and revocation of the non-conforming status. This is actually a Zoning Code discussion. Conditional Use Permits, in general terms, are for uses that have special characteristics that you may not want to be allowed as a matter of right in all zones but that could be allowed under special circumstances. He assumed that this question had to do with the automotive uses. He reiterated that they are looking at eliminating the CUP requirement. The issue of the revocation of non-conforming status is a provision that speaks to the most egregious uses. There are findings that must be made if the City was to ever try to revoke a non-conforming status. It is something the City does not anticipate to be used often but it is something that the City Code Compliance and Council would like to have the ability to do.

The question regarding whether a vacancy can trigger the loss of a non-conforming status with regard to development standards, not use. That is an intriguing question, the way the Code is written today, the non-conforming status chapter of the Code speaks to non-conforming use as well as standards. He stated he would need to research this. He would like to revisit this and propose some changes to that section of the Code.

He announced that the General Plan and the Zoning Code are available at each branch library of the City.

He said he was not aware of the area beautification plan meetings held at Toro. Staff will try to find information regarding this. Someone in the audience offered a copy of the letter.

Why is the City doing this? He tried to answer this in general terms at the beginning of his presentation when he addressed the need to update the General Plan and simplify the Zoning Code. Staff has an obligation to look at the General Plan for the City, the intent is not to take away property rights even though when you do a General Plan there are some uses that may be made non-conforming. It is staff's intent to minimize this to the extent possible. These public hearings is a way staff receives input from the citizens. Staff does take these comments seriously which is why he has made the recommendation to the Planning Commission for certain changes. Based upon the comments today, he will further recommend that the Planning Commission direct staff to look at each of the properties that were discussed today, most had to do with changes to the zone. He suggested to return with maps of each of those areas with specific recommendations regarding zoning for the areas.

Chair Leonard noted that Mr. Blumenthal brought up another issue which actually is similar to the Commission's request to provide a comparison of uses between the existing and proposed Zoning.

Mr. Gutierrez agreed. He noted that the permitted uses for the proposed Zones are on a table which is available in the proposed Zoning Code. Staff does not have this table for the existing Zoning Code. He noted that these matrices would help everyone evaluate uses allowed today and whether they would be allowed under the proposed Zoning Code. Staff will be putting this together but it will take some time, approximately a month.

Commissioner Kurani stated that most of the Commissioners are also small business owners. He personally did not think there was any intention on the part of the City to throw any business out.

Commissioner Comer the thought or discussion of a matrix for Industrial Zone is good but doesn't go far enough. He would like to see every zoning category in the City, what the current allowed uses are lined up against the proposed zoning. The Commission needs to see the whole thing. He asked that the Commission receive this information far enough in advance so that they can review the information.

Commissioner Norton following up on Commissioner Comer's comment, is a month still feasible to present a full report.

Mr. Gutierrez apologized if he misstated, it was his intention to provide a matrix with all the zones. It will take staff a month to put this together.

Chair Leonard asked if a month would also be sufficient time to bring back the revisions to staff's recommendations based on the testimony that has been received to day.

Commissioner Densmore asked if there was any precedent for General Plan and Zoning Code updates where the City worked diligently not to change anything but to compromise this vision for the future without hurting anyone. Is there a precedent for updates that only those properties that are not currently occupied would be left alone.

Mr. Gutierrez replied that he had not seen such a thing but will discuss this point with the consultant who has dealt with General Plan updates other cities.

Chair Leonard inquired if staff had a summary for each of the zoning categories that clarified what it is the BMP is doing to improve the M-1 and M-2 Zones. The summary could include a comparison and provide a statement of the objective trying to be achieved through these different zoning categories.

Mr. Gutierrez explained that there was not such a comparison but that each of the new zoning categories has a intent statement.

Chair Leonard announced that the return date for these items would be April 21, 2005. He said that approximately a week prior to the meeting a matrix will be available comparing the Zones. Staff will also have had reviewed certain segments of the City based on testimony received tonight, particularly the Jurupa corridor.

L. **ADJOURNMENT**

Adjournment to the March 17, 2005 at 6:00 pm in the Art Pick Council Chambers.